

To: 3 BADGE BEVERAGE CORPORATION (dranit@smlaw.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86549026 - 3 BADGE BEVERAGE CORPORATION - 8443 - Request for Reconsideration Denied - Return to TTAB

Sent: 5/25/2016 3:48:40 PM

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86549026

MARK: 3 BADGE BEVERAGE CORPORATION

86549026

CORRESPONDENT ADDRESS:

WARREN L. DRANIT
SPAULDING MCCULLOUGH & TANSIL LLP
90 S E ST STE 200
SANTA ROSA, CA 95404-6500

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

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APPLICANT: 3 BADGE BEVERAGE CORPORATION

CORRESPONDENT'S REFERENCE/DOCKET NO :

8443

CORRESPONDENT E-MAIL ADDRESS:

dranit@smlaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: **5/25/2016**

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated November 23, 2015 is **maintained and continue to be final**: Section 2(d) likelihood of confusion with respect to U.S. Registration No. 3713723. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues.

Specifically, the examining attorney remains of the opinion that the marks are highly similar in that they share the common arbitrary wording "BADGE" which constitutes the entirety of the registrant's. Moreover, incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2d 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Applicant has argued that its mark includes additional matter. However, when comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d at 1960 (citing *Spoons Rests., Inc. v. Morrison, Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013)); TMEP §1207.01(b).

Even though marks must be compared in their entireties and should not be dissected; a trademark examining attorney may weigh the individual components of a mark to determine its overall commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1322, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014) ("[Regarding the issue of confusion,] there is nothing improper in stating that . . . more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties.") (quoting *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985)).

Applicant also argued the presence of other marks on the register. This argument is unpersuasive. Prior decisions and actions of other trademark examining attorneys in registering other marks have little evidentiary value and are not binding upon the USPTO or the Trademark Trial and Appeal Board. TMEP §1207.01(d)(vi); *see In re Midwest Gaming & Entm't LLC*, 106 USPQ2d 1163, 1165 n.3 (TTAB 2013) (citing *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001)). Each case is decided on its own facts, and each mark stands on its own merits. *See AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269 (C.C.P.A. 1973); *In re Binion*, 93

USPQ2d 1531, 1536 (TTAB 2009).

The trademark examining attorney maintains that the parties offer identical and/or closely related alcoholic beverages. Please see attached additional Internet evidence which consists of excerpts from the websites of wineries and breweries offering both wines and beers for sale and/or wines and other alcoholic beverages for sale. This evidence establishes that the same entity commonly manufactures the relevant goods and markets the goods under the same mark, the relevant goods are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use and the goods are similar or complementary in terms of purpose or function. Therefore, applicant's and registrant's goods are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Thus, because the marks are confusingly similar and the goods are identical and/or closely related, consumers encountering these goods are likely to mistakenly believe that they are provided by a common source. Accordingly, the request for reconsideration is denied and the final refusal to register pursuant to Section 2(d) of the Trademark Act is maintained and continued.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Hai-Ly Lam/
Hai-Ly Lam
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Email: hai.lam@uspto.gov

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Chi Chi's Pilsner

A light, dry beer that is finished with just the right amount of hopiness. Refreshingly crisp.

Kirly's Cream Ale

An ale version of an American lager style. Clean, light, with a vanilla finish.

Naughty Ale

An India Pale Ale that has plenty of hops! From the bittering, to the flavoring, to the aroma hops, we've created a beer that is clean and crisp! Enjoy hop fans!!

Bella's Big Belgian

A strong ale, copper colored that is loaded with malts. Hints of molasses and spicy aromas.

Chubby Stout

A dark Irish ale with full body and flavor and a creamy head of foam from the added Mahodextrin. Dark malts and grains prove huge taste.

Nate's Tripel

Our Tripel contains light Belgian Candi sugar to create a high gravity beer that is golden in color with a creamy white head. The hops create a mild, spicy character.

Kiss This Kolsch

Crisp, clean, and easy to drink. Coloring is a straw yellow, but it's flavors are light, clean and crisp. A definite thirst quencher!

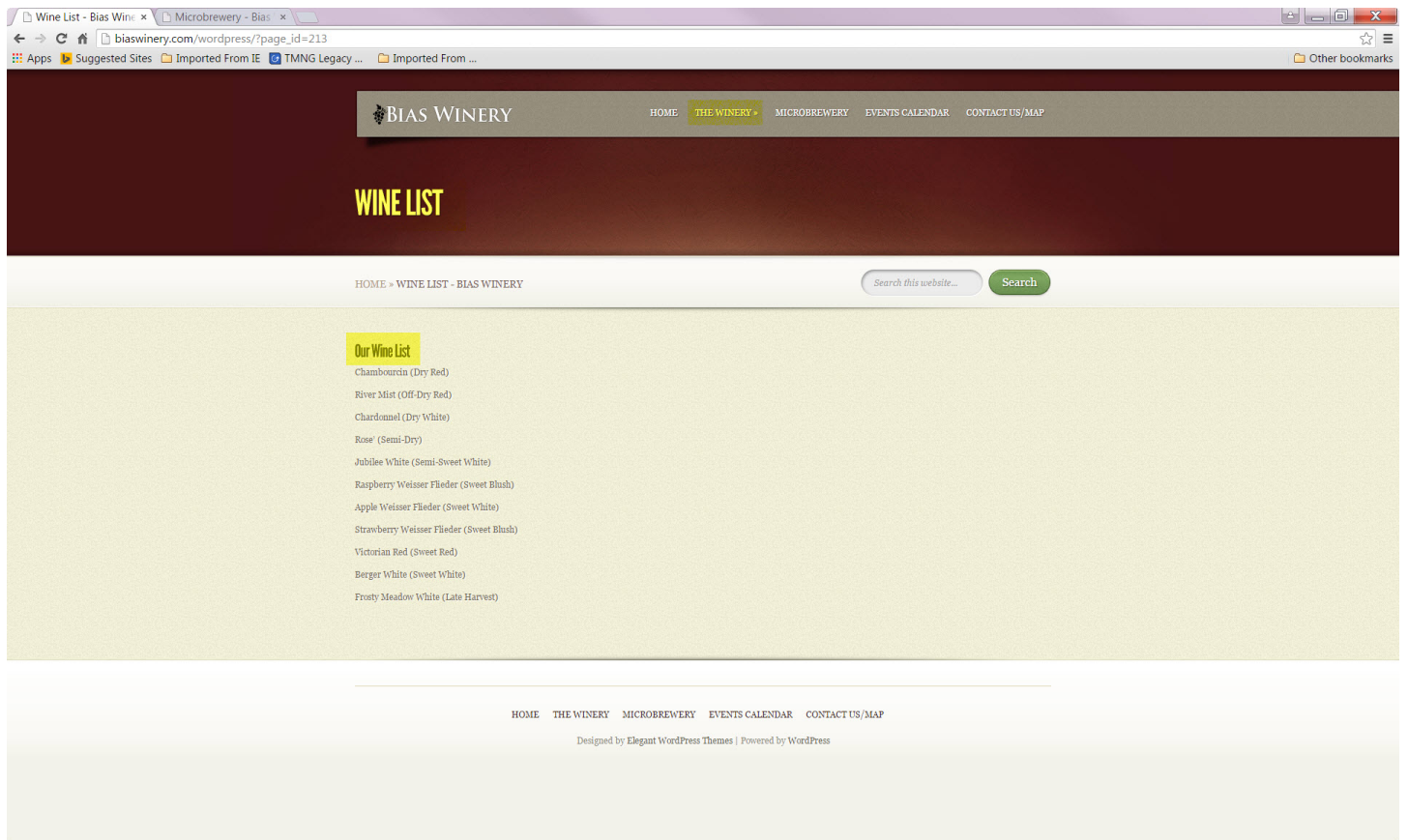
Our beer selections change throughout the year....let us know what your favorite is!



Gruhlke is a gnome who moved from Germany to the hill at Bias Vineyards & Winery in 1998. Gnomes, as you may know, live underground with their buried treasures.

Gruhlke's treasure is secret formulas for great microbrewed beer. Gruhlke has agreed to share his secret formulas and assist with the beer brewing in exchange for naming the microbrewery after him. With the addition of Gruhlke's Microbrewery, Bias became the first in

Missouri, second in the nation, to operate as a Winery and Microbrewery combined.



5/25/2016 2:30 PM



BLACK STAR FARMS

WINERY TASTING INN DINING EVENT PLANNING THE FARM ABOUT BLOG

BLACK STAR FARMS DISTILLERY

Black Star Farms is located in the Grand Traverse Bay area of Northern Michigan. This region is justly known for fruit cultivation fostered by glacially carved lakes and hills and a climate tempered by Lake Michigan. Our small specialty distillery operation began in 1999 on our farm in Suttons Bay. In 2007 we moved the still to our Old Mission facility, and we began production of brandies again in 2008.

Our fruit-based brandies capture the essence of northern Michigan fruit. They are generally known as eau de vie-style spirits. *Eau de vie* is French for "water of life". The spirits are clear and represent the pure essence of fermented fruit. The balance of fruit and alcohol reflects both the artisan skill of the distiller and the quality of the fruit. We produce brandies from local cherries, apricots, pears, plums, raspberries and grapes. We also produce a barrel-aged apple brandy that is aged for three to five years, using both French and American oak. At the precise time the distiller feels is optimum to showcase the "spirit" of the fruit, the brandy is bottled – often a single barrel at a time, or in very small lots.

Our spirits can be sampled at any of our three tasting rooms in the Grand Traverse Bay region. Truly artisan-based products, our eaux de vie are an exquisite balance of fruit and alcohol that capture the essence of prime ripe fruit from our little corner of northern Michigan.

We regret that our brandies are not available for online ordering. You may purchase through select retailers and in our [tasting rooms](#).

- [Pear and its Spirit](#)
- [Spirit of Apple](#)
- [Spirit of Apricot](#)
- [Spirit of Cherry](#)
- [Spirit of Pear](#)
- [Spirit of Plum](#)
- [Spirit of Vineyard Red Grape Grappa](#)
- [Spirit of Vineyard White Grape Grappa](#)



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Rose Wine

Fruit Wine

Dessert Wine

Wine Clubs

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2010 Leelanau Sparkling Wine
\$25.00

1



2012 Arcturos Cabernet Franc
\$30.00

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2012 Leorie Vineyard Merlot Cabernet Franc
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2012 Vintners Select
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2013 A Capella Ice Wine
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2013 Arcturos Dry Riesling
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2013 Arcturos Grüner Veltliner
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2013 Arcturos Semi-Dry Riesling
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2013 Arcturos Winter Harvest Riesling
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1 Add To Cart



2013 BeDazzled
\$15.00

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2013 Black Star Farms Pinot Noir
\$17.50

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2013 Isidor's Choice Pinot Grigio
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2014 Arcturos Late Harvest Riesling
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\$18.00








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2015 Arcturos Pinot Noir Rosé
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	Artisan Red \$13.50	<input type="text" value="1"/>	Add To Cart
	Black Star Farms Cherry Wine \$10.00	<input type="text" value="1"/>	Add To Cart
	Black Star Farms Hard Apple Cherry Cider \$12.00	<input type="text" value="1"/>	Add To Cart
	Black Star Farms Hard Apple Cider \$12.00	<input type="text" value="1"/>	Add To Cart
	Black Star Farms Red House Rosé \$12.00	<input type="text" value="1"/>	Add To Cart
	Delighted \$15.00	<input type="text" value="1"/>	Add To Cart
	Dry 2 Bottle Wine Club Membership \$0.00	<input type="text" value="1"/>	Add To Cart
	Dry 4 Bottle Wine Club Membership \$0.00	<input type="text" value="1"/>	Add To Cart
	Mixed 7 Bottle Wine Club Membership		

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Black Star Farms Hard Apple Cherry Cider

\$12.00


1Add To Cart



Black Star Farms Hard Apple Cider

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Black Star Farms Red House Rosé

\$12.00

1Add To Cart



Delighted

\$15.00

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Dry 2 Bottle Wine Club Membership

\$0.00

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Dry 4 Bottle Wine Club Membership

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Mixed 2 Bottle Wine Club Membership

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Mixed 4 Bottle Wine Club Membership

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Demarest Hill Winery

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MEET THE WINEMAKER



WOOD-FIRED DISTILLATION SYSTEM

DISTILLED BEVERAGES

CHARDONNAY SUPREME
Aged two years in oak, it has vanilla overtones and can stand its own against most reds.

Craggs - It's what the Italians drink to prove they're strong.

Very Special Reserve brandy - made for special people.

Coco Brandy - a brandy to be enjoyed by everybody.

Tropical Liqueur - made from rum, wine, honey for added vitality.

Amarena Aperitivo - special blend for appetizers and hors d'oeuvres.

Limoncello (full & half bottles) for after dinner, made from lemon peels.

Oranccella (full & half bottles) for after dinner, made from orange peels. Serve chilled or on the rocks.

WINES

CHARDONNAY SUPREME
Aged two years in oak, it has vanilla overtones and can stand its own against most reds.

Peach Brandy - made from fresh peaches.

Strawberry Brandy - an ice-breaker for cold winter nights.

Applejack - a strong brandy influenced by apples.

Sherry - an old vine abandoned in the woods by winemaker Francesco Ciummo.

Balsamico - the best vinegar available in the United States, inspired by Italy.

Bombita Vinegar - specially made from our own vines.

Non-alcoholic wines - available in both red and white varieties.

ABOUT US



Demarest Hill Winery | 81 Pine Island Turnpike Warwick, New York 10990 | Tel: 845-956-4723 | Open all year around, from 11:00AM 6:00PM
Closed Christmas, New Year's Day, Easter & Thanksgiving

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Demarest Hill Winery

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RED WINES

FC Reserve -
04 Cabernet Sauvignon Res.
93 Reserve Merlot
Black Pearl Reserve Local
Warwick Black Pearl Local -
the prize of our vineyard
Warwick Red Deer Local
Bacchos Noir Local
Evening Red Local
Warwick Ruby Red Local
Victoria Merlot
Red Bouchet
Cabernet Sauvignon
Red Classico
Red Zinfandel
Rose Cabernet Sweet



WHITE WINES

Aurora
Chardonnay Supreme
Chardonnay
Riesling
White Gold
Chenin Blanc
Chenin Blanc Sweet
Warwick Sunset
Muscadet Sweet
White Zinfandel
Peach Wine
Strawberry Wine
Cherry Wine
Apple Wine
Porto Fino (Red/White)
[PRICE LIST](#)



SPARKLING WINES & SPUMANTE

Sparkling Gold Dry -
Spumante Sweet - an ice-
breaker for cold winter nights



SPECIALTY WINES & VINEGARS

Sherry - an old vine abandoned
in the woods by winemaker,
Francesco Clummo
Balsamico - the best vinegar
available in the United States,
inspired by Italy
Bombita Vinegar - specially
made from our own vines
Non-alcoholic wines - available
in both red and white varieties



Demarest Hill Winery | 81 Pine Island Turnpike Warwick, New York 10990 | Tel: 845-986-4723 | Open all year around, from 11:00AM 6:00PM
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* Flag Hill Wines & Spirits

- Flag Hill White

Dry & lightly oaked


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Off Dry


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» Cayuga White »

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Dry and spicy




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» De Chaunac »

Lightly sweet

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wine-info@flaghill.com
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North River Port

Warm and sweet

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General John Stark Vodka


Ultra smooth !

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Karner Blue Gin

Lightly refreshing juniper taste.


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Flag Hill Spiced Rum

Amazing on the rocks!


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Maiden's Blush


Sweet and foxy

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Josiah Bartlett Barrel Aged Apple Brandy


Perfect pairing of oak and apple.



Graham's Grappa

Non barrel aged brandy.

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White Mountain Moonshine

White whiskey

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Sugar Maple Liqueur

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Niagara

Big, juicy and sweet

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A semi-sweet white wine with a crisp finish


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Cayuga Sparkling White Wine

Flag Hill's first ever Sparkling White Wine! If you love Cayuga, you will be in bubble heaven...

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Gold Hill Vineyard & Brewery

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BEER



Gold Hill Brewery produces

classic beer in traditional styles. Using traditional methods the beers reflect the flavor and aroma that desirable in that "perfect pint." Whether you enjoy a rich and malty Scotch Ale, a Dry Irish Stout, or a bright-hoppy IPA; Gold Hill Brewery provides an enjoyable visit for every pallet.

Cheers

The Beers:

49'er Red (American Amber):

Known simply as Red Ales in some regions, these beers were popularized in the hop-loving Northern California and the Pacific Northwest areas before spreading nationwide. Medium, full-body ale, with a soft malty sweetness, followed by moderate caramel flavors. Late-hop additions give that distinct West Coast hop aroma and flavor. ABV 5.7%

Best Red Ale in California Honorable Mention:
California State Fair, 2011



5/25/2016 2:26 PM



Boomtown IPA (American IPA):

An American version of the historical English style, brewed using American ingredients and attitude. Boomtown IPA is brewed with Nugget, Zythos, Columbus, and Chinook hops. It is well-balanced between malt and hops with a fresh hop aroma of citrus, and pine, and subtle tropical fruit notes in the background. These same characteristics come through in the flavor, balanced by a light malt character to let the hops shine through. After all, this is a West Coast IPA. 6.5% ABV.

Gold Trail Pale Ale (American Pale Ale):

Originally, a draft-style ale, served very fresh under no pressure (gravity or hand pump only), at cellar temperatures. English pale ales were originally brewed around the start of the 20th century and became widespread once brewers understood how to successfully use crystal malts to add a fullness and roundness of the palate. This beer produces a nice up-front maltness followed by a clean-dry finish. Hops include both the familiar cascade hops, for a citrusy, West Coast twist, combined with and a generous addition of traditional English Fuggles hops, for an earthy/floral balance. ABV 5.7%

Old Miner's Scotch (Scottish Export 80/+):

A traditional Scottish session beer with less hops than it's English counterparts, malt is the predominant flavor in this old-world beer. Long, cool, fermentations are used in Scottish brewing to create a clean malty beer. The malt-hop balance is tilted towards the malt side with enjoyable caramel/toffee notes which come from kettle caramelization, induced by a lengthy boil, and not the commonly used caramel malts. ABV 4.7%

Axe Pic'n Stout

The style evolved from attempts to capitalize on the success of London porters, but originally reflected a fuller, creamier, more "stout" body and strength. When a brewery offered a stout and a porter, the stout was always the stronger beer (it was originally called a "Stout Porter"). However, today's dry stouts are brewed from a lower OG and no longer reflect a higher strength than porters. This beer is a medium-full body, with a creamy character. This delightfully dry beer supports a rich coffee-like flavor with a bittersweet character lasting well into the finish. Dry enough to be enjoyed in the summer as well as the winter. ABV 5.1%

Hank's Porter (Honey Porter):

Originating in England, porter evolved from a blend of beers known as "Entire." A precursor to stout; this beer is said to have been favored by porters and other physical laborers of 19th Century England. This beer is a medium body dark beer with an enjoyable quality. The delightful chocolate flavors are complimented by the rich coffee flavors and nutty overtones. Hank's Porter, named for the founder of Gold Hill Brewery, offers a surprisingly dry finish making it as easy drinking on a warm summer day as a cool winter evening. ABV 6.7%

3 oz taste of five brews: \$7.50



(530)-626-6522

Gold Hill Vineyard

Gold Hill Vineyard

www.goldhillvineyard.com/brewery.html

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Nugget, Zythos, Columbus, and Chinook hops. It is well-balanced between malt and hops with a fresh hop aroma of citrus, and pine, and subtle tropical fruit notes in the background. These same characteristics come through in the flavor, balanced by a light malt character to let the hops shine through. After all, this is a West Coast IPA. 6.5% ABV.

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Originally, a draft-style ale, served very fresh under no pressure (gravity or hand pump only), at cellar temperatures. English pale ales were originally brewed around the start of the 20th century and became widespread once brewers understood how to successfully use crystal malts to add a fullness and roundness of the palate. This beer produces a nice up-front maltness followed by a clean-dry finish. Hops include both the familiar cascade hops, for a citrusy, West Coast twist, combined with and a generous addition of traditional English Fuggles hops, for an earthy/floral balance. ABV 5.7%

Old Miner's Scotch (Scottish Export 80/+):
A traditional Scottish session beer with less hops than it's English counterparts, malt is the predominant flavor in this old-world beer. Long, cool, fermentations are used in Scottish brewing to create a clean malty beer. The malt-hop balance is tilted towards the malt side with enjoyable caramel/toffee notes which come from kettle caramelization, induced by a lengthy boil, and not the commonly used caramel malts. ABV 4.7%

Axe Pic'n Stout
The style evolved from attempts to capitalize on the success of London porters, but originally reflected a fuller, creamier, more "stout" body and strength. When a brewery offered a stout and a porter, the stout was always the stronger beer (it was originally called a "Stout Porter"). However, today's dry stouts are brewed from a lower OG and no longer reflect a higher strength than porters. This beer is a medium-full body, with a creamy character. This delightfully dry beer supports a rich coffee-like flavor with a bittersweet character lasting well into the finish. Dry enough to be enjoyed in the summer as well as the winter. ABV 5.1%

Hank's Porter (Honey Porter):
Originating in England, porter evolved from a blend of beers known as "Entire." A precursor to stout; this beer is said to have been favored by porters and other physical laborers of 19th Century England. This beer is a medium body dark beer with an enjoyable quality. The delightful chocolate flavors are complimented by the rich coffee flavors and nutty overtones. Hank's Porter, named for the founder of Gold Hill Brewery, offers a surprisingly dry finish making it as easy drinking on a warm summer day as a cool winter evening. ABV 6.7%

3 oz taste of five brews: \$7.50
Pint: \$5.00 or \$7.50 w/ glass
22 oz bottle: \$6.50 (No deposit)
Six pack: \$30.00
Growlers: \$22 for new, \$15 for refill

2014 GoldHill Vineyard

5/25/2016 2:28 PM

Gold Hill Vineyard

Open Thursday through Sunday 10-5

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Fair Awards 2015

	Amador	Orange County	California State
'12 Barbera	Bronze	Gold	Bronze
'12 Syrah	Silver		
'11 Cab Sauv			Bronze
'12 Cab Franc	Bronze	Gold	Bronze
'10 Merlot		Silver	Silver
'11 Merlot	Bronze		
'012 Syrah	Silver		
'14 Barbera Rosato	Silver	Gold	Dbl. Gold BOS, BCR
'13 Chard	Silver	Gold	Silver
'13 Viognier	Bronze	Bronze	Silver, BCR

Fair Awards 2010

	Amador	Orange County	California State
--	--------	---------------	------------------

Wines

Gold Hill creates award winning wines using estate grown grapes. Gold Hill competes only in Orange County, (most comprehensive), California State, (oldest in US) and Amador, (US capital of Barbera and very competitive reds).

Whites

2014 Barbera Rosato

DOUBLE GOLD- Pink, Best of Show, Best of Class of Region, 2015 California State Fair
 Silver, 2015 Amador County
 Gold, 2015 Orange County

\$28/750 ml bottle

2013 Chardonnay

Silver, 2015 California State Fair
 Silver, 2015 Amador County
 Bronze, 2015 Orange County

\$22/750 ml bottle

2013 Viognier

Silver-Best of Class of Region, 2015 California State Fair
 Bronze, 2015 Amador County
 Bronze, 2015 Orange County

With hints of pear and peach, this is a refreshing, delicate white Rhone.
 A perfect complement to white meats
 \$26/750 ml bottle

Reds

2011 Meriticious Red

Silver, 2015 Amador County Fair
 Bronze, 2015 Orange County

This Bordeaux blend is equal parts Cabernet Sauvignon, Cabernet Franc and Merlot. This is justification for Meritage remaining a relevant wine.
 \$28/ 750ml bottle

2012 Barbera

Gold, 2015 Orange County
 Bronze, 2015 California State
 Bronze, 2015 Amador County

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'06 Barbera	Bronze		Silver
'06 Syrah	Bronze	Silver	Bronze
'06 Cab Sauv	Silver		
'06 Cab Franc	Bronze	Bronze	Silver
'06 Merlot			Gold
'06 Zinfandel	Bronze		Bronze
'03 Syrah		Gold	
'07 Reserve Chard	Bronze		
'08 Chard	Bronze		Bronze
'08 Viognier	Bronze		

Fair Awards 2009

	Amador	El Dorado	California State
'06 Barbera		Bronze	Silver
'06 Cab Sauv	Silver		Silver
'05 Cab Franc	Bronze		Bronze
'06 Merlot			Silver
'07 Reserve Chard	D-Gold		Silver
'08 Chard	Silver		
'08 Viognier	Silver		



Packed with ripe berry and spice notes, this Italian varietal is a great pairing with pasta and game meats.
 It has very light tannins which makes it very drinkable now or you may lay it down for several years.
 \$24/ 750ml bottle

2011 Zinfandel
 Gold, 2015 California State Fair
 Bronze, 2015 Orange County

2012 Zinfandel
 Silver, 2015 Amador County

The rich soils of Gold Hill Vineyard have produced a delicious vintage of Zinfandel.
 A rich, full bodied style packed with complex flavors of berries and spices.
 It is very drinkable now or lay it down for several years.

\$20/ 750ml. bottle

2012 Cabernet Franc * Bronze, 2015 California State
 * Bronze, 2015 Amador County
 * Gold, 2015 Orange County

Fragrant blackberry, plum and a hint of cassise makes this wine very palatable now, but will lay down for years to come.

\$26/ 750ml bottle

2011 Cabernet Sauvignon Bronze, 2015 California State

Two years aging in French and American oak barrels helps accentuate the soft cherry, blueberry, and cedar bouquet of this award winning Bordeaux wine; the Vintners choice.
 Drinkable now, this Cabernet should continue to mature to its peak in 2011 or 2012.

\$22.00/ 750 ml bottle

2012 Syrah * Silver, 2015 Amador County

A classic Northern Rhone is packed with rich ripe fruit and berry flavors with a touch of spiciness.This wine exudes the character of the Rhone River Valley. Oak aged for eighteen months in French and American oak adds a hint of smokiness and softens tannins.

\$22/ 750ml bottle

2012 Malbec
 Silver, 2015 Orange County
 Bronze, 2015 California State

This Bordeaux varietal is gentle on the palate, with luscious dark cherry, plum and blackberry flavors.

\$28.00 retail: \$22.40 Wine Club

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flavors.

\$28.00 retail; \$22.40 Wine Club

2010 Merlot * Silver, 2015 Orange County
Silver, 2015 California State
2011 Merlot Bronze, 2015 Amador County

Two years aging in French oak accentuate the vanilla and cedar nose of this Merlot. Rich black cherry and plum flavors.


\$22/ 750ml. bottle



Gold Hill Vineyard & xGold Hill Vineyard x




www.goldhillvineyard.com/wines.html

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Two years aging in French oak accentuate the vanilla and cedar nose of this Merlot. Rich black cherry and plum flavors.

\$22/ 750ml. bottle



2015 Gold Hill Vineyard

BIG ROD

Coconut Ale

Appearance: Golden with resilient carbonation.
Aroma: Warm coconut with hints of vanilla. Light notes of caramel and toasted bread.
Taste: Coconut and caramel notes. Finishes dry and with a subtle sweetness.
Mouthfeel: light, crisp, and effervescent.
Overall: A Delicious golden ale with a balance of coconut and caramel



Appearance: Deep brown with a velvety, creamy head.
Aroma: Roasted notes of coffee and chocolate.
Taste: Malty with coffee and chocolate notes.
Mouthfeel: Medium-bodied.
Overall: The complexity of this beer is fantastic. Rich but not too heavy on the palate, semi-sweet dark fruit finish.

SHARK™

Bait

Appearance: Deep gold, crystal clear wheat beer.
Aroma: Light grain and lemon citrus on the nose.
Taste: Light maltness with smooth mango finish.
Mouthfeel: Light-medium bodied.
Overall: A great all around session beer, perfect for the beach.

Big Rod Coconut Blond Ale

A *BV*= 5.4

S *RM*= 8.7

I *BU*= 16.5

Gator Tail Brown Ale

A *BV*= 5.3%

S *RM*= 20.6

I *BU*= 29.6

Shark Bait Mango Wheat Ale

A *BV*= 5.3%

S *RM*= 4.2

I *BU*= 11.3

Vice IPA

VICE IPA

Vice IPA

A $BV = 7.1\%$

S $RM = 42$

I $BU = 60.3$

Appearance: Deep gold with a long-lasting off-white head.
Aroma: Heavy caramel with earthy and citrus tones.
Taste: Heavy toffee with slight citrus & herb notes.
Overall: Easy drinking IPA with a balance of hops and caramel.

Schnebly's | 30205 SW 217 Ave, Homestead FL 33030

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Southernmost Winery & Brewery in the U.S.



Specialty Wines

Table Wine

Merchandise

Wine Club

Shipping to: FL

Quantity	Ground to FL
0-1 Bottle	\$15.68
1-2 Bottles	\$16.36
2-4 Bottles	\$17.97
4-6 Bottles	\$20.28
6-12 Bottles	\$26.64

VINO SERIES

\$49.95

Add To Cart

LYCHEE SERIES

\$50.00

Add To Cart

AVOCADO SERIES

\$59.95

Add To Cart

Table Wine

Schnebly Redland's Winery & Brewery is currently distributed throughout Southern Florida. We're regularly working on expanding our distribution to other states! We are currently only allowed to ship wine to the following states: California, Florida, Minnesota, Missouri, North Carolina, Pennsylvania*, Texas, Washington DC & Wyoming!

More states will be added to our list in the months to come. Stay tuned!

*Pennsylvania residents need to have order shipped to a Pennsylvania liquor store. Not allowed direct shipping to customer.

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AVOCADO SERIES

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CAT 2 HURRICANE RED

Made from Avocado and guava the traditional flavor for Miami's Latin Community

View Product Details »

★★★★★ 2 Review(s)

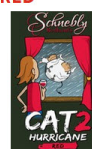
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\$14.95 1 Add To Cart

\$179.40 / Case of 12 Buy Case

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CAT 3 HURRICANE

It's an exotic blend of tropical fruits with a refreshing citrus nose. It's an exotic blend of tropical fruit with a refreshing citrus nose. This wine has a flavor that will blow you away.

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★★★★★ 6 Review(s)

In Stock

\$24.95 / Cat 3 Hurricane Vino [Add To Cart](#)

\$299.40 / Case of 12 [Buy Case](#)

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LYCHEE WINE

This is our most award winning wine. It has the bouquet and flavor of this most delicious and exotic fruit and is often compared to a Riesling.

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★★★★★ 1 Review(s)

In Stock

\$29.95 / Lychee Wine [Add To Cart](#)

\$359.40 / Case of 12 [Buy Case](#)

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MANGO WINE

Our Mango Wine is a crowd pleaser. It's not too sweet and is very smooth. You'll notice hints of Mango in the front of your palate with a subtle finish.

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★★★★★ 2 Review(s)

In Stock

\$16.95 / Mango Table [Add To Cart](#)

\$203.40 / Case of 12 [Buy Case](#)

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GUAVA WINE

This refreshing and vibrant wine has a bouquet that never stops. It is a rose wine best served at room temperature.

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★★★★★ 5 Review(s)

In Stock

\$15.95 / Guava Wine [Add To Cart](#)

\$191.40 / Case of 12 [Buy Case](#)

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AVOVINO

The Avocado series is the newest addition to the family. This dry variation has a citrus nose with a beautiful lingering finish.

[View Product Details »](#)

★★★★★ 3 Review(s)



CARAMBOLA WINE

Known also as starfruit, this tropical delicacy is known to be filled with exotic flavor. This wine is similar to a Pinot Grigio.

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★★★★★ 2 Review(s)

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Schnebly Redland's

Schnebly Redland's

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★★★★★ 3 Review(s)

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\$191.40 / Case of 12 Buy Case

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AvoVino Table Wine

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\$167.40 / Case of 12 Buy Case

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WACONIA MINNESOTA

SERIOUS WINE. DISTINCTIVE BREWS.

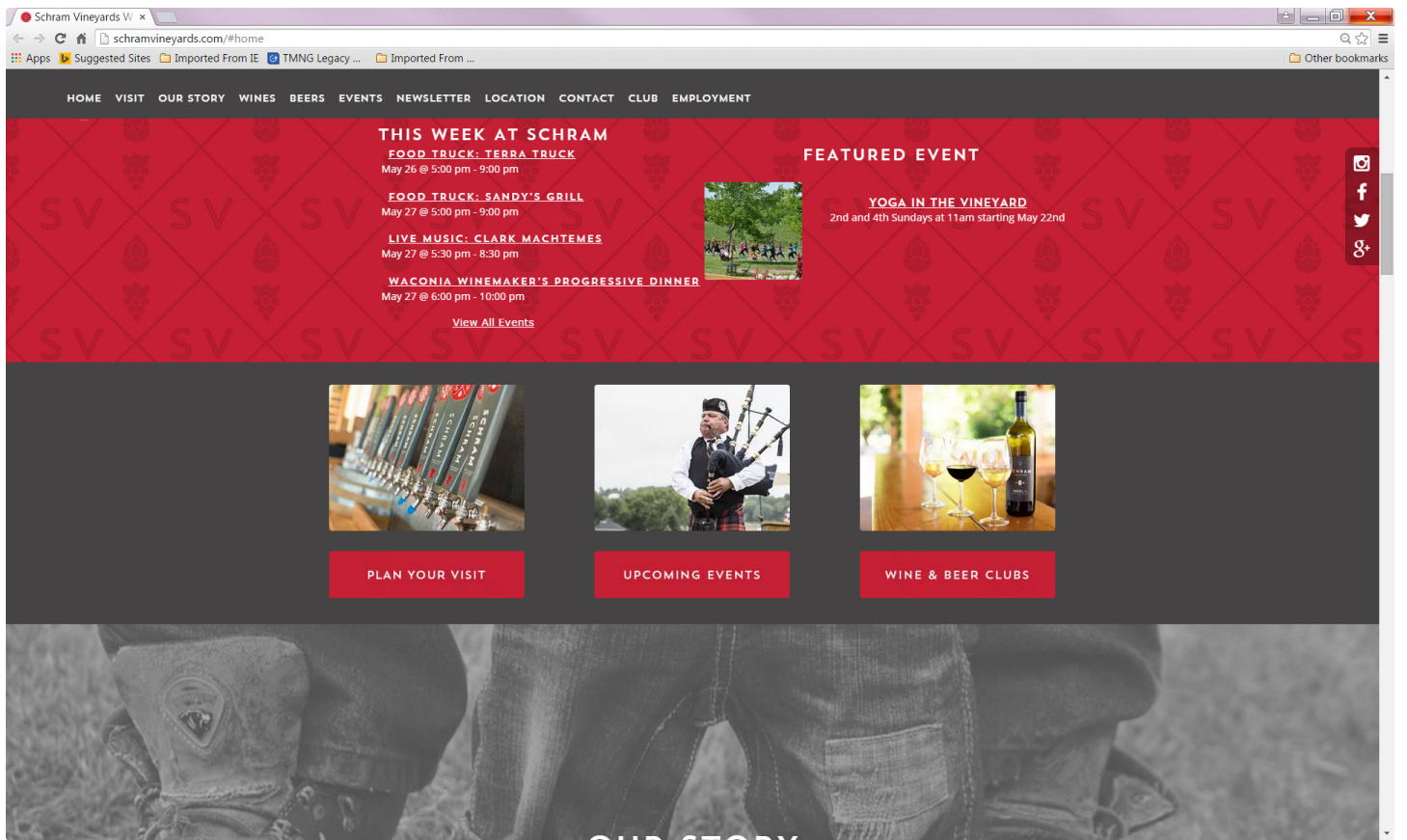
Welcome to Minnesota's first Winery & Brewery, where we offer hand-crafted wines, as well as a rotating selection of craft-beer recipes in one location. For a list of all upcoming events, and to check out our Bocce Ball leagues, click [here](#).

THIS WEEK AT SCHRAM

FOOD TRUCK: TERRA TRUCK

FEATURED EVENT

5/25/2016 2:35 PM



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OUR STORY

Schram Vineyards Winery & Brewery began as the dream of a farm boy who loved making wine. He met an uptown girl with a taste for wine and beer and they put down their roots in the fields of Waconia in 2008. The dream came to fruition when they opened their doors in 2013 as a winery, and soon after, as a brewery as well. Marrying country and city, wine and beer — Schram brings vineyard wine and craft beer drinkers together in Minnesota at last! [Read more..](#)



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BREAKFAST**



**RECIPE AND
PAIRING: CROCK
POT BEEF STEW
PAIRED WITH
ROOST DE ROUGE**



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TWIN CITIES LIVE**

FEATURED WINES

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FEATURED WINES


BROWSE ALL WINES



COOP DE BLANC

TYPE: WHITE
STYLE: MINNESOTA BLEND
YEAR: 2014


A Minnesota blend featuring Frontenac Gris grapes delivers vibrant citrus flavors with an off-dry finish. **NEW RELEASE!**



BLOSSOM

TYPE: WHITE
STYLE: BLEND
YEAR: 2015


Our signature white blend featuring 4 Minnesota cold-hardy white grapes. A brilliant balance of sweet and refreshing with apricot and tropical fruit flavors.



ROOST DE ROUGE

TYPE: RED
STYLE: AMERICAN RED BLEND
YEAR: 2014

A full-bodied zesty and spicy red with blackberry, plum, and black pepper creating a complex blend. **NEW RELEASE!**

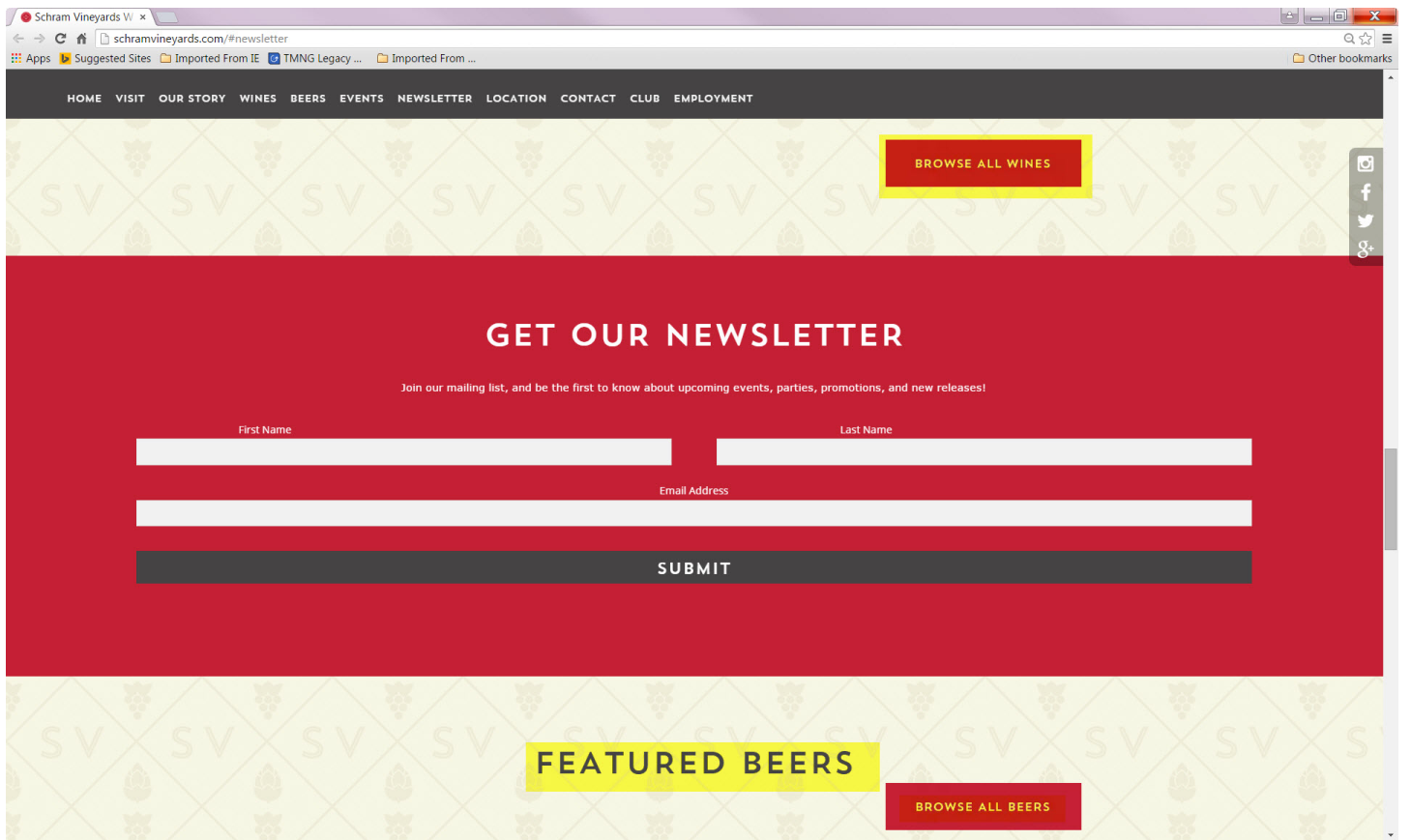


BONFIRE

TYPE: RED
STYLE: BLEND
YEAR: 2014

Big, red, and dry. Our most current Bonfire tri-blend features Cabernet, Merlot and Sangiovese grapes. This is our full-bodied, bold flavored red, which is welcome company at many occasion.

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PUDDLE HOPPER IPA

TYPE: HOPPY
STYLE: MINNESOTA IPA


Our Minnesota IPA uses hops grown locally out of Jordan, MN and Dayton, MN. At 85 IBUs, this is our bitterest beer brewed yet. A beautiful citrus fruit aroma and full of flavor.
ABV 7.5%



SMOKING ACES PORTER

TYPE: DARK
STYLE: BROWN PORTER


Medium bodied beer with light roasty notes followed by caramel and chocolate. The main flavor in this beer is a light smoked that comes from a malt called smoked beach wood. The Willamette hops give this beer a slight earth and spicy aroma and flavor.
ABV 4.8%



DOUBLE BARREL IPA

TYPE: HOPPY
STYLE: IMPERIAL IPA

A medium bodied beer with a caramel biscuit malt backbone that is balanced nicely with the intense, but not overly bitter, hop character. We use centennial and cascade hops for the bittering, and then dry hop with Chinook and Columbus to give this beer a piney resin flavor with a subtle light grapefruit. This beer finishes very dry.
ABV 8.6%






DIRTY UP BLONDE

TYPE: LIGHT
STYLE: AMERICAN BLONDE ALE

Light bodied beer with soft subtle malty sweetness, with grainy flavors. Medium low fruity esters give way to a very subtle spicy hop character. Finishes dry with medium to high carbonation
ABV 5.2%

BROWSE ALL BEERS



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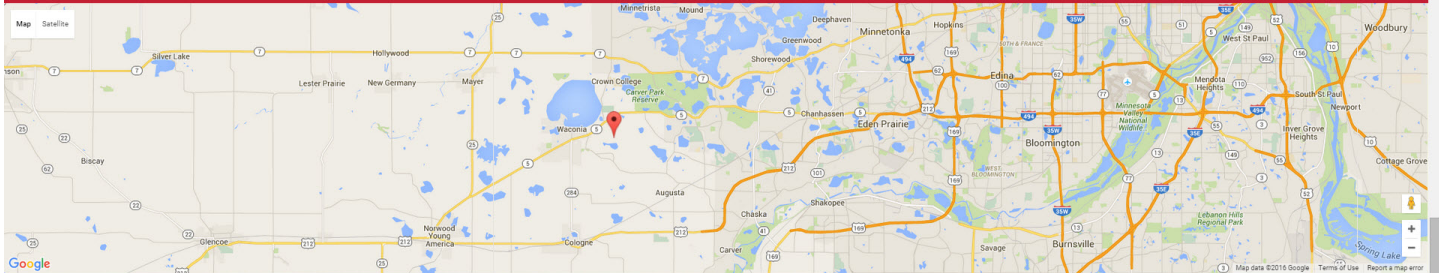
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Waconia, MN
+1 952.442.5105

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Wednesdays: Open by
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Thursdays: 1-9pm
Fridays: 1-9pm
Saturdays: 12-9pm
Sundays: 12-5pm



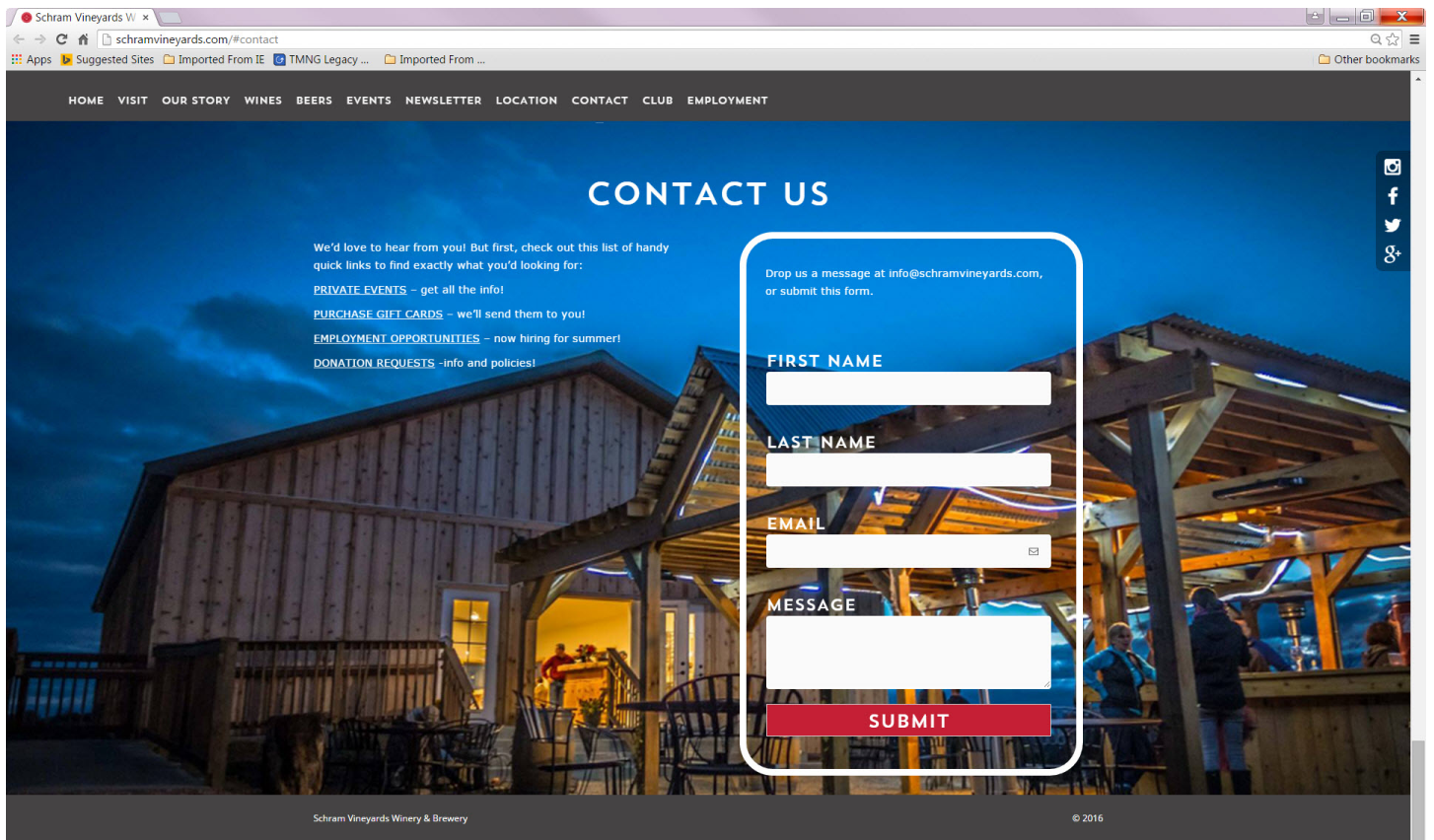
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We'd love to hear from you! But first, check out this list of handy

5/25/2016 2:38 PM



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Our Wines

Maine's apples and maple syrup are well known for excellent quality and taste. Tree Spirits founder Bruce Olson experimented with apple and maple wines for years prior to starting Tree Spirits. He chose to make sparkling wines because they are fun to drink.

Our Apple and Pear extra dry sparkling wines are not sweet. In fact, they are a lot like prosecco. The Maple demi-sec is sweeter with a subtle maple taste. Like champagne, Tree Spirits sparkling wines should be served cold.

We also make a still wine, Apple Picnic, which is great with fish, chicken, pork and cheese; Maple Storm, a port-like blend of our maple wine and Knotted Maple spirits; and, two subLimes — Pear and Pomegranate to drink by themselves or as a sangria base with wine, sparkling or still.

The [Apple Farm](#) in Fairfield supplies us with the cider used to make our pear and apple wines. Their apple cider is made from Macintosh apples combined with a mix of late season varieties such as Permain, Golden Russet and Northern Spy. Macs have a well-balanced flavor profile, both sweet and tart with a hint of bitter. The late apples, sweetened by the frost, add their own complex set of flavors. The cider produced at The Apple Farm doesn't contain preservatives and we think it's the best around.

We get our syrup at the [Bacon Farm](#) in Sidney. It's a diversified, family-owned farm and from late winter to early spring their sugar house is filled with the smell of boiling maple sap.

At Tree Spirits we know the people who grow the fruit, press the cider, and tap the trees for our wines. Maine agriculture is experiencing a renaissance driven by the local food movement. We believe this change has just begun and Tree Spirits hopes to grow along with it. Our sparkling wines are the best local alternative to champagne. **The judges at the 2011 San Francisco International Wine Competition awarded a double gold medal in the Fruit Wine category to our Apple extra dry and a silver medal to our Maple demi-sec.** These awards are proof that we aren't alone in our belief that you can serve Tree Spirits sparkling wines with hors d'oeuvres, for dinner, at birthday celebrations and weddings with confidence.



To: 3 BADGE BEVERAGE CORPORATION (dranit@smlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86549026 - 3 BADGE BEVERAGE CORPORATION - 8443 - Request for Reconsideration Denied - Return to TTAB
Sent: 5/25/2016 3:48:43 PM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **5/25/2016** FOR U.S. APPLICATION SERIAL NO. 86549026

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **5/25/2016** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

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